IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 12795 of 1999

Between:

APSRTC, rep. By it's Regional Manager, Cuddapah.

... PETITIONERS

AND

1. State Transport Appellate Tribunal,
   A.P., Hyderabad, rep. By it's Presiding Officer.

2. The Regional Transport Authority, Cuddapah,
   Rep. By its Secretary.

3. V.Harischandra Reddy,
   Bus Operator, Pulivendula, Cuddapah.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

For the Petitioner: MR. K. Srinivasa Rao.

For the Respondent No.: GP FOR TRANSPORT

The Court Made the Following Order:

ORDER:

The Andhra Pradesh State Road Transport Corporation has obtained a rule from this Court calling upon the respondents to show cause why a Writ in the nature of Certiorari cannot be issued under Article 226 of the Constitution of India for calling up the records relating to the order made in A.P.No.229/97 setting aside the order in dated 24-12-1996 made in Rc.No.13313/A2/96 by the RTA, Cuddapah and quash the same.

Third respondent made an application to the Regional Transport Authority, Cuddapah for grant of stage carriage permit on the town service route from Pulivendalapula Argollu Cross Road to Thimmalapalli (via) Parmapally Bus Stand and Rayalapuram. The 2nd respondent, after consideration rejected the application on the ground that the proposed route prohibits grant of permit, since it is overlapping by 0.2 kilometers and that there is no protection for future grant of permits on the town service routes. Moreover, since Draft Scheme No.127/89 on the route Jammalamadugu to Bangalore is pending approval, no permit can be granted during the pendency of the scheme as per Section 99(2) of the M.V. Act. Aggrieved by the same, the 3rd respondent carried an appeal before the STAT. Since overlapping is permitted up to 5 kilometers as per G.O.Ms.No.269/90, it held that there cannot be any objection for granting permit and accordingly allowed the appeal.

Having regard to the fact that the proposed draft scheme has already been lapsed, and there is no prohibition of the permit in view of the law declared in **APSRTC V. STATE TRANSPORT APPELLATE TRIBUNAL** [1], the order passed by the STAT does not suffer from any legal infirmity.

Accordingly, the Writ Petition is dismissed. No costs.

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(A. GOPAL REDDY, J)

June 28,2004
Mrr

Copy to

1. State Transport Appellate Tribunal,
   A.P., Hyderabad, rep. By it's Presiding Officer.
2. The Regional Transport Authority, Cuddapah,
   Rep. By its Secretary.
3. Two C.C. s to the G.P. for Transport, High Court Buildings, Hyderabad (OUT)
4. Two C.D. Copies.

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[1] AIR 2001 A.P.335